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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HEWLETT-PACKARD COMPANY
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EXAMINER

MEKY, MOUSTAFA M

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,792

Applicant(s)

HAINES ET AL.

Examiner

Moustafa M. Meky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The response filed 5/31/2005 has been entered and considered by the examiner.
2. Claims 1-15 are presenting for examination (claims 16-20 were withdrawn).
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayward (US Pat. No. 6,798,997).
5. As to claim 1, Hayward shows in Fig 2, a consumable order-assistance system for computer peripheral devices, comprising:

a personal computer 30 having a messaging system, see col 5, lines 15-17, lines 20-22, col 6, lines 34-36;

one computer peripheral device 10 having a messaging system communicating with the messaging system of the computer 30, see col 5, lines 15-17, lines 20-22;

a communication link 36 for coupling the computer 30 with a seller of a consumable for the device 10, see col 5, lines 35-38, col 6, lines 39-42, col 7, lines 60-67, col 10, lines 6-11;

a user interaction site (where the user, the computer 30, and the device 10 reside) to receive a notification from the device 10 via the messaging system of the computer 30 of a need to order a consumable, see col 8, lines 26-31, col 9, lines 43-47;

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wherein the user interaction site is provided with an end user interface, see col 5, lines 20-22, col 6, lines 49-50, col 7, lines 66-67.

6. As to claim 2, the computer 30 and the peripheral device 10 are connected to a bus 32 (see Fig 2) and the user site comprises a printer driver, see col 4, lines 10-18, col 6, lines 34-36.

7. As to claim 3, the user site comprises embedded web server to generate and forward a message to a user to prompt ordering a consumable, see col 3, lines 44-46, col 5, lines 36-39, col 6, lines 39-42, lines 49-50, col 7, lines 60-67.

8. As to claim 4, the system of Hayward having a central server 40 and the user site comprises a computer 30 communicating with the server 40, see col 4, lines 3-9, col 7, lines 60-67, col 8, lines 1-12.

9. As to claim 5, the user site comprises a centralized administrator interface comprising a centralized purchaser, see col 7, lines 55-56, lines 60-67, col 8, lines 1-12.

10. As to claim 6, the user site comprises a user interface of the personal computer 30, see col 3, lines 44-46, col 4, lines 3-4

11. As to claim 7, the user site comprises a user interface for facilitating user access to the peripheral device 10 to receive a notification of a need a consumable for the device 10, see col 5, lines 15-22, col 6, lines 34-42, col 8, lines 26-31, col 9, lines 21-26.

12. As to claims 8-15, the claims are similar in scope to claims 1-7, and they are rejected under the same rationale.

Therefore, it can be seen from paragraphs 5-12 that Hayward anticipates claims 1-15.

13. The applicant argues in his remarks that Hayward does not teach a messaging system between the personal computer 30 and the peripheral device 10.

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13.A. In response to the above argument, Hayward teaches computer peripheral device 10 having a messaging system communicating with the messaging system of the computer 30, see col 5, lines 15-17, lines 20-22 (the messaging system 16 of the peripheral device 10 sent the peripheral condition to the messaging system represented by the application program running in the computer 30 to receive the condition).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MMM

08/04/2005


MOUSTAFA M. MEKY
PRIMARY EXAMINER